

EXHIBIT B

Maria A. Abadi, M.D.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

-----X
IN RE: ETHICON, INC.,) Master File No.
PELVIC REPAIR SYSTEM PRODUCTS) 2:12-MD-02327
LIABILITY LITIGATION)
) MDL-2327
-----)
THIS DOCUMENT RELATES TO THE)
FOLLOWING CASES IN WAVE 1 OF) JOSEPH R. GOODWIN
MDL 200:) U.S. DISTRICT JUDGE
)
)
)
JULIE WROBLE) Civil Action No.
) Plaintiff) 2:12-cv-00883
vs.)
)
)
ETHICON, INC., ET AL.)
) Defendant.)
)
-----X

DEPOSITION OF MARIA A. ABADI, M.D.

New York, New York

March 29, 2016

Reported by:

MARY F. BOWMAN, RPR, CRR

Golkow Technologies, Inc. - 1.877.370.DEPS

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1 residents that circulate through or medical
2 students on the rotations and kind of
3 observe the practice of pathology?

4 A. Yes.

5 Q. Is that considered an actual
6 employed academic position with Einstein?

7 A. No. It is an affiliation.

8 Q. So when it says "academic
9 appointments," that's really, you have an
10 affiliation in your practice with the
11 medical school, fair?

12 A. Right. It means that I don't get
13 paid by them, but I do work for them in
14 terms of teaching and participating in
15 committees and things of that nature.

16 Q. And that's through the hospital?

17 A. Yes. The hospital is affiliated
18 to Albert Einstein, correct.

19 Q. So your positions as of today are
20 the director of surgical pathology and
21 cytopathology at Jacobi Medical Center,
22 which is the hospital in the Bronx
23 affiliated with Albert Einstein Medical
24 School?

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1 A. That is correct.

2 Q. And then you also serve, it
3 appears, according to your CV, as the vice
4 chair for North Bronx Healthcare Network
5 department of pathology?

6 A. That is correct.

7 Q. What does that involve?

8 A. There are two hospitals. One is
9 Jacobi Medical Center, and the other one is
10 North Central Bronx. So I am vice chair of
11 the two departments.

12 So we oversee the administrative
13 and the clinical functions of both
14 departments.

15 Q. In your position as vice chair,
16 is that administrative?

17 A. In part it is. For the most
18 part, I do clinical work, but there is a
19 percentage of my time that goes into
20 administrative work.

21 Q. Is your clinical work at Jacobi,
22 or do you have to travel?

23 A. No. Everything is at Jacobi,
24 centralized.

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1 origin. So for the most part --

2 Q. In bigs?

3 A. In bigs. So for the most part, I
4 will be doing that.

5 And then the following day we do,
6 for example, cytology, and that includes
7 Pap smears, OB/GYNs, and what we call
8 fine-needle aspirations, and then I would
9 go to another rotation.

10 Q. Understood.

11 As I looked at your CV, which is
12 marked as Exhibit 2, you were board
13 certified in anatomic pathology in 1996?

14 A. Yes.

15 Q. Have you been recertified?

16 A. I was grandfathered. I was one
17 of the last groups that did not have to
18 take it again.

19 Q. So you understand that currently
20 if you got board certified in anatomic
21 pathology, there would be an expectation to
22 retake the board certification exam every
23 ten years?

24 A. Yes. I know I was saved from

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1 that.

2 Q. You got under the wire in 1996?

3 A. Yes. I think it was around that
4 time, I think a little bit later, that the
5 American Board of Pathology decided to
6 change that.

7 Q. So you have not engaged to be
8 recertified in anatomic pathology?

9 A. Right.

10 Q. You took the test in '96 and have
11 not taken it again?

12 A. Yes.

13 Q. Then you list board certified in
14 cytopathology, which you got in 1997, and I
15 don't know if there is a recertification.

16 A. Right now, there is. The same
17 thing happened with cytopathology.

18 Q. You got in under the wire for
19 that one as well?

20 A. Yes. That means I'm old.

21 Q. No, it doesn't. It means you
22 took the test a while ago.

23 Do you know if there is any
24 effort to address, amongst the college,

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1 A. Yes. There are oxygen free
2 radicals, sometimes in the form of nitric
3 oxide, sometimes it's just O₂, you know, O
4 negative, meaning O radical. And then they
5 can cause themselves damage to the tissues
6 as well.

7 Q. Are you in any way familiar with
8 polypropylene's susceptibility to
9 degradation as a result of its exposure to
10 free oxygen radicals?

11 A. No.

12 Q. Are you in any way familiar with
13 polypropylene's susceptibility to
14 degradation in its exposure to nitric acid?

15 A. No.

16 Q. So as you sit here today, if
17 there's evidence that free oxygen radicals
18 are known to cause oxidative degradation in
19 polypropylene, that is not a science or
20 study of which you are familiar?

21 MR. COMBS: Object to form.

22 A. Correct.

23 Q. You have not seen any evidence
24 from inside Ethicon that its scientists

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1 identified oxidative degradation in Prolene
2 sutures left inside the body?

3 MR. COMBS: Object to form.

4 A. I did receive the -- those inside
5 articles or whatever regarding that.

6 Q. If we go back to Abadi Exhibit 3,
7 I believe --

8 MR. COMBS: Exhibit 4 is the
9 reliance.

10 MR. PERDUE: Is 4 the reliance
11 materials? I apologize.

12 MR. COMBS: Unless I have got it
13 wrong. Yeah, 3 is the testimony list.

14 MR. PERDUE: OK.

15 Q. So back to Exhibit 4. There is a
16 supplemental reliance list general, a page
17 titled "Production Materials," and there
18 are documents that appear to have been
19 provided to you by Ethicon regarding some
20 internal Ethicon documents, correct?

21 A. Correct, yes.

22 Q. When you just referenced, for
23 example, evidence inside Ethicon that
24 suggests Prolene suture is subject to

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1 oxidative degradation, you are familiar
2 that there are such documents inside
3 Ethicon?

4 MR. COMBS: Object to form.

5 A. Right.

6 Q. Here you have a 1992 seven-year
7 dog study, Prolene sutures, with an Ethicon
8 Bates number. You are familiar that the
9 seven-year dog study on Prolene sutures
10 left in vivo indeed concludes that Prolene
11 sutures were subject to oxidative
12 degradation?

13 MR. COMBS: Object to form.

14 A. Yeah, except for the fact that it
15 also says that there was no change in
16 molecular weight or tensile strength, which
17 would be unusual if you truly had
18 degradation.

19 Q. Are you going to offer an opinion
20 as to why or how that is?

21 A. No, not at all.

22 Q. The next, 2007 13-week PSM study
23 on contracture and integration in swine
24 models, that was provided for you to

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1 copy.

2 A. It does.

3 Q. But that's what it is?

4 A. That's what it is.

5 MR. PERDUE: All right. With
6 that, I'll pass the witness.

7 Thank you, Doctor.

8 MR. COMBS: Let's take a break
9 for a couple of minutes, and I hope it
10 will be brief, but I will have a few
11 questions.

12 (Recess)

13 EXAMINATION BY

14 MR. COMBS:

15 Q. Dr. Abadi, you were asked dozens
16 of questions regarding your opinion
17 regarding clinical issues in this case. Is
18 your role in this case to offer an opinion
19 on clinical issues?

20 A. No. I'm here to give opinions on
21 the pathological issues, meaning
22 histopathology.

23 Q. And is what you have done in this
24 case, is reviewed the materials that are

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1 set forth in your report and then reviewed
2 the tissue samples that have been provided
3 to you in this litigation?

4 MR. PERDUE: Form.

5 A. Correct. I have reviewed all the
6 tissue materials in this litigation.

7 Q. And for all of the cases in which
8 you have reviewed, was the histological
9 response the expected and intended reaction
10 to the mesh?

11 MR. PERDUE: Form.

12 A. Yes. It is the expected
13 response.

14 Q. Dr. Abadi, you were asked a
15 number of questions by Mr. Perdue regarding
16 the five cases that you reviewed. You have
17 reviewed other materials in this litigation
18 as well, haven't you?

19 A. Yes, I have.

20 Q. And you have reviewed all of the
21 materials that are set forth in your
22 report?

23 A. Yes, I have reviewed the
24 materials in my report and other materials

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1 as well.

2 Q. And that includes the materials
3 that you set forth in your bibliography at
4 pages 13 through 15 of your report?

5 A. Correct.

6 Q. Mr. Perdue asked you a number of
7 questions in which he characterized your
8 experience in reviewing pelvic meshes as
9 only having seen a handful of pelvic
10 meshes. In fact, you have seen somewhere
11 between 20 and 30 in your clinical
12 practice, didn't you?

13 MR. PERDUE: Form.

14 A. Yes, I have.

15 Q. Have you also seen hernia meshes?

16 A. Yes, I have seen hernia meshes.

17 Q. For how long?

18 A. For the 20 years that I have been
19 practicing.

20 Q. And is your opinion also based
21 upon your experience in the foreign body
22 response to those hernia meshes?

23 MR. PERDUE: Form.

24 A. Yes. My opinions are based on

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1 what is my experience on foreign body
2 reaction, not only related to the mesh, the
3 pelvic meshes, but in general. Hernias,
4 foreign bodies, sutures, et cetera.

5 Q. Now, you just mentioned sutures.
6 During your practice as a pathologist, have
7 you had the opportunity to view tissue
8 samples that have contained sutures?

9 A. Yes, I have.

10 Q. Approximately how many?

11 A. Oh, many. I could not tell you
12 how many. But sutures are constant in our
13 hospital.

14 Q. More than a thousand?

15 A. More than a thousand, absolutely.

16 MR. PERDUE: Form.

17 Q. And were many of the sutures made
18 of polypropylene?

19 A. Yes.

20 Q. And is the histological response
21 in terms of the inflammation elicited the
22 same regardless of what type of
23 polypropylene that's been implanted?

24 MR. PERDUE: Form.

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1 A. Yes, the type of inflammation is
2 the same.

3 Q. Dr. Abadi, you were asked
4 questions regarding whether degradation has
5 a clinical impact. Do you remember those
6 questions?

7 A. Yes, I do.

8 Q. Now, in the cases that you have
9 reviewed, there is polypropylene that
10 Dr. Iakovlev claims is degraded, isn't
11 there?

12 A. Correct.

13 Q. And have you reviewed the
14 histological response to the polypropylene
15 that he claims is degraded?

16 A. Yes, I have.

17 Q. What is that histological
18 response?

19 A. Well, the histologic response is
20 the same in all these cases. It is the
21 same chronic inflammation, focal foreign
22 body reaction.

23 So whether he says it is degraded
24 or not, the response, the histologic

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1 CERTIFICATE

2 STATE OF NEW JERSEY)

3) ss:

4 COUNTY OF UNION)

5 I, MARY F. BOWMAN, a Registered
6 Professional Reporter, Certified
7 Realtime Reporter, and Notary Public
8 within and for the State of New Jersey,
9 do hereby certify:

10 That MARIA A. ABADI, M.D., the
11 witness whose deposition is
12 hereinbefore set forth, was duly sworn
13 by me and that such deposition is a
14 true record of the testimony given by
15 such witness.

16 I further certify that I am not
17 related to any of the parties to this
18 action by blood or marriage and that I
19 am in no way interested in the outcome
20 of this matter.

21 In witness whereof, I have
22 hereunto set my hand this 1st day of
23 April, 2016.

24